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Bloodbath in Binhdin...

The public execution of an estimated 250 to 500 Saigon officials and others by Communist forces during their occupation of Binhdin Province adds another sordid chapter to the bloody history of the Vietnam war.

The executions, reported by allied intelligence officers and corroborated in on-the-spot interviews by a Times correspondent, expose once more the ruthless brutality which the Communists exhibited at Hue during their 1968 Tet offensive. Such barbaric tactics serve to undermine the prospects for a political accommodation in South Vietnam—the kind of accommodation the Communists say they are seeking in Paris.

Binhdin has also been a principal target of the infamous "Phoenix" program, under which South Vietnamese counterterror teams—recruited, organized, supplied and paid by the C.I.A.—have sought to "neutralize" Communist cadres throughout the country. According to testimony before a House subcommittee last year, 9,820 civilian Communists were executed under this program in a fourteen-month period.

Both sides have committed calculated atrocities in South Vietnam, over and beyond the indiscriminate slaughter that inevitably results from the massive American bombing and Communist shelling that have dominated the latest round of fighting there. Bloody reprisals, like those that followed the unsuccessful Communist coup in Indonesia seven years ago, are indeed a gruesome possibility for postwar Vietnam, no matter which side "wins." But they can hardly be more terrible than the bloodbath the Vietnamese are suffering each day that this brutal war continues. The sooner both sides move toward a negotiated settlement, the better the chances will be for a relatively bloodless reconciliation.

... The Hidden War

The shift from ground to air in the focus of American military activities in Indochina has meant a shift from units based in South Vietnam to combat groups operating from air bases in Thailand and carriers at sea. The result has been a drastic cut in the visibility of the war to the American people, who must still bear the moral and financial burdens of this interminable conflict.

Some loss of visibility is inevitable in this new kind of war since correspondents cannot hope to cover personally the impact of bombings on wide-ranging targets, especially those in North Vietnam. But the American public could—and certainly should—know a great deal more. It is presently being allowed to know about the

years to shift jurisdiction in all other types of cases, but has yet to shift its first case. Just by way of making sure that record is kept intact for hospital workers, eight committee members have filed a separate statement emphasizing their belief that nothing in the new law does—or should—mandate a changed approach.

Without a clear-cut mandate for priority of state law, enactment of the present House bill would be an invitation to wholesale hospital strikes and an accelerated escalation of hospital costs.

Welfare Reform S.O.S.

Welfare reform is apparently not an orphan after all. President Nixon's strong letter to the Senate urging that it not eviscerate the reform bill revives hope that he will not let the most innovative social proposal of his four years in the White House die without a struggle.

The President is right in believing that welfare reform will have no chance if the Senate strips away the politically palatable parts of the measure and incorporates them into the pending revenue-sharing bill. Too much damage has already been done by the earlier decision of both houses of Congress to divorce higher Social Security benefits from the omnibus bill for recasting welfare by putting a guaranteed annual floor under family income.

Mr. Nixon's renewed show of vigor in support of his three-year-old reform plan is accompanied by a hint from Secretary of Health, Education and Welfare Richardson that the Administration may renew its suspended negotiations with Senate liberals, under the leadership of Senator Ribicoff of Connecticut, for improvements in the version of welfare reform already twice passed by the House of Representatives. A coalition in support of a compromise bill could insure constructive action this year to erase the demeaning line between the working poor and those totally dependent on public assistance.

It is past time, as Secretary Richardson has declared, for Congress "to correct the conditions of misery imposed by the disgrace we mistakenly call a welfare system."

Semi-Strip Mining

Both houses of Congress have before them bills which purport to mitigate the evils of strip mining. Unless these measures, especially the one in the Senate, are greatly strengthened the mitigation will be negligible.

Representative Ken Hechler of West Virginia would substitute a total ban on strip mining, to take effect six months after passage. For the American environment that would unquestionably be the best course. There is scant merit in the argument that such a ban would throw men out of work since underground mining affords four times as many jobs as strip mining. And, while

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Ministry of Health. Planning for refugees to return to their own villages and for normalizing permanent resettlement sites for refugees who cannot or do not wish to return to their original villages is undertaken through the coordinating machinery of the Provincial Pacification and Development Councils and the Central Pacification and Development Council on which all Government agencies are represented.

The Ministry of Social Welfare's responsibility under the refugee program terminates when refugees have returned to their own villages or the resettlement site has been constituted as a hamlet and the refugees have received all benefits to which they are entitled. They then fall under normal GVN programs for the population as a whole, some of which are specially emphasized for the benefit of refugee or exrefugee communities (such as special grants to return to village communities to reestablish public facilities, roads, markets, et cetera).

Question 27. Under the Phoenix program, how many of those "neutralized" died as a result of being caught in an armed encounter, as a result of execution, after torture, from other causes?

Answer. My supplementary statement for the record on the Phoenix program provides the numbers killed on page 132 of the transcript. As indicated in a supplementary submission for the record, some 88 percent of those killed were killed by military forces, with 12 percent by other (police, et cetera) forces. No authorized executions have taken place under the Phoenix program. As indicated in my statement and testimony, it is unfortunate that some unjustified abuses have taken place, which in cases have resulted in the death of the victim, but the Phoenix program is designed to prevent them to produce instead professional, intelligent and humane operations to meet the VCI threat with stern justice, with equal stress on both words. The attached letter to the Honorable Thomas E. Morgan, Chairman, House Committee on Foreign Affairs, from Assistant Secretary of Defense G. Warren Nutter of August 21, 1971, with its enclosures, outlines the U.S. and GVN policies in this regard.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 21, 1971.

Hon. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Record of August 3, 1971 (page H 7761-2) reports an amendment to the Foreign Assistance Act offered by Mr. Reid of New York, which was defeated by voice vote. This amendment would have barred any assistance under the Act to any nation for programs which encompass the assassination or torture of persons, or which violate the standards set forth in the Geneva Conventions. In his remarks submitting the amendment (copy attached), Mr. Reid made reference to the Phoenix program of the Government of Vietnam, which is supported by the United States.

Ambassador William E. Colby, cited by Mr. Reid, has suggested that clarification would be appropriate of certain aspects of the Phoenix (Phung Hoang) program in reference to Mr. Reid's remarks and the testimony received by the Subcommittee on Foreign Operations of the House Committee on Government Operations subsequent to Ambassador Colby's appearance there on July 19, 1971.

As described in some detail in Ambassador Colby's testimony to the Senate Foreign Relations Committee in February 1970, the Phoenix (Phung Hoang) program of the Vietnamese Government was effectively begun in July 1968, as the result of a Vietnamese Presidential directive. U.S. support of this program has been principally advisory in nature, directed at improving the intelligence methods, the apprehension techniques, the legal procedures and the detention arrangements involved in the struggle of the Vietnamese against the Viet Cong infrastructure, or clandestine, subversive and terrorist apparatus. As testified by Ambassador Colby, unjustified abuses occurred in this struggle in the past and could occur at present, but the Phoenix program does not encompass or condone unjustifiable abuses in any way, and in fact is designed to eliminate them. U.S. policy in this regard was set out in MACV Directive 525-36 of May 13, 1970 (copy attached) which formalized an earlier memorandum of October 13, 1969 cited in Senate Foreign Relations Committee hearings February 1970, page 725. The Vietnamese Government in its Community Defense and Local Development Plan for 1971 includes the following provision in its annex I covering the Phoenix (Phung Hoang) program:

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Sincerely,

Mr. REID of New York. A
The Clerk read as follow:

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Mr. REID of New York. A
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his, again, a little bit in con-
ided to our committee.

The international security assistance program, economic support-
ing and assistance, congressional representation, fiscal year 1979—
on page 64 it states—and I think that it is at some variance with your
testimony. But I just will read it for you, because it does state it in
your own report:

AID—through technical advice, provision of equipment, material, and train-
ing—is giving assistance to * * *.

And then you list several categories.

But No. 2 is the "national police field forces, paramilitary-police
unit engaged primarily in combating of VCI in rural areas."

What I want to ask you—and I am trying to put this on the record
as fairly and as clearly as possible. And I have talked at some length
with Ambassador Colby, and I expect to ask him precisely the same
questions on Monday when he appears.

There are just one or two questions on this, and I would appreciate
your answering them, not as an AID official, but as a senior U.S. officer
appointed by the President and confirmed by the Senate. And this is
a question of your oath of office and is a question of your ability as
a senior officer.

The questions are as follows:

Is it not the purpose of the Phoenix program to eliminate the Viet-
cong infrastructure by killing, capture, or rallying?

Mr. NOOTER. I believe that that is the case.

However, I believe—

Mr. REID. Second:

Do you know how many VCI were killed in 1970 by the Phoenix
program?

Mr. NOOTER. No, sir. We don't keep figures on that.

Mr. REID. For the record, let me state, the results for the calendar
year 1970 were 22,341, of which 8,191 were killed, 6,405 were sentenced,
and 7,745 were rallied.

And I might add that the results for January and February of this
year were 4,502, of which 1,629 were killed, 1,346 were sentenced, and
1,527 were rallied.

And the projection of the figures that were killed for the entire year
would be 9,774 killed, or an increase from an initial rate when this
program started of 15 percent to about 36 percent.

My question is: Are not the "VCI" the civilian officials of the Na-
tional Liberation Front—that is, tax collectors and, in some cases,
village officials or chiefs?

Mr. NOOTER. I didn't understand the question.

Mr. REID. Are not the "VCI" the civilian officials of the National
Liberation Front—the tax collectors or village chiefs—to the best of
your knowledge?

Mr. NOOTER. I really—

Mr. REID. In other words, they are not "military" or in the "politi-
cal" category, if you prefer, are they?

Mr. NOOTER. That really is an aspect of the program that we don't
become involved in. And I am really not qualified to provide the
answers on that.

Mr. REID. Let me go to my next question.

Is not the Phoenix program, then, a clear violation of the Geneva
Convention relative to the protection of civilian persons in time of
war?